



WESTFIELD-WASHINGTON  
BOARD OF ZONING APPEALS

December 13, 2022

2212-VU-16

Exhibit 1

**Petition Number:** 2212-VU-16

**Subject Site Address:** 605 Hillcrest Drive (the "Property")

**Petitioner:** Dennis A. Hunt Insurance and Financial Services

**Request:** The Petitioner is requesting a Variance of Use to permit a Professional Office use on .47 acres +/- in the SF-3 Zoning District.

**Current Zoning:** SF-3 Single-family Medium Density District

**Current Land Use:** Residential

**Approximate Acreage:** 0.47 acre +/-

**Exhibits:**

1. Staff Report
2. Location Map
3. Existing Conditions
4. Application

**Staff Reviewer:** Weston Rogers, Associate Planner

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**PROPERTY INFORMATION**

The subject Property is 0.47 acres +/- in size and located at 605 Hillcrest Drive (see **Exhibit 2**). The Property is zoned SF-3 Single-family Medium Density District.

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**ANALYSIS**

Upon the Property currently exists a Single-Family Detached residence (the "Residence"). Based on historic aerials, the Residence appears to have been built between 1962 and 1974. The Property is zoned SF-3 Single-family Medium Density District and has been since 1977 when zoning was established in Westfield.

The Property is located within the "[Downtown](#)" designation on the Westfield-Washington Township Comprehensive Plan [map](#). The Property is not located within the Grand Junction Subdistrict, for which the eastern boundary is approximately located at N East Street.

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**PROCEDURAL**

**Public Notice:** The Board of Zoning Appeals is required to hold a public hearing on its consideration of a Variance of Use. This petition is scheduled to receive its public hearing at the December 13, 2022, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals' Rules of Procedure.

Conditions: The UDO<sup>2</sup> and Indiana law provide that the Board of Zoning Appeals may impose reasonable conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of the UDO upon any Lot benefitted by variance as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject Lot or upon public facilities and services. Such conditions shall be expressly set forth in the order granting the variance.

Acknowledgment of the Variance: If the Board of Zoning Appeals approves this petition, then the UDO<sup>3</sup> requires the approval of the variance shall be memorialized in an acknowledgment of variance instrument prepared by Department. The acknowledgment shall: (i) specify the granted variance and any commitments made or conditions imposed in granting of the variance; (ii) be signed by the Director, Property Owner and Applicant (if Applicant is different than the Property Owner); and (iii) be recorded against the subject property in the Office of the Recorder of Hamilton County, Indiana. A copy of the recorded acknowledgment shall be provided to the Department prior to the issuance of any subsequent permit or commencement of uses pursuant to the granted variance.

Variances of Use: The Board of Zoning Appeals shall approve or deny variances from the terms of the UDO. A variance may be approved under Indiana Code § 36-7-4-918.4 only upon a determination in writing that:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
3. The need for the variance arises from some condition peculiar to the property involved;
4. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property; and
5. The approval does not interfere substantially with the Comprehensive Plan.

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## **COMPREHENSIVE PLAN**

The Westfield-Washington Township Comprehensive Plan contemplates the Property as "[Downtown](#)" in classification.

The "Downtown" classification identifies commercial, offices, retail, residential (neighborhood and high density), cottage industries, institutional, entertainment, and public open green spaces as appropriate [land uses](#). Moreover, a variety of land uses is encouraged within the "Downtown" classification of the Comprehensive Plan.



The “Downtown” classification also identifies Redevelopment Opportunities which specifically notes the future potential to convert existing residences into businesses and office uses along State Road 32.

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### **DEPARTMENT COMMENTS**

If the Board is inclined to approve 2212-VU-16, The Department recommends the following condition and findings:

#### **Recommended Conditions:**

- The proposed Professional Office use shall be limited to Insurance and Financial Services or a substantially similar use as determined by the Director of Community Development;
- The existing Residence on the Property and/or any additional improvements to said Residence must remain residential in character as determined by the Director of the Community Development Department;
- Hours of Operation for a Professional Office use on the Property shall be limited to 8am to 6pm Monday through Friday and 8am to 2pm on Saturday with no hours of operation on Sundays;
- That the Petitioner record an acknowledgement of this approval with the Hamilton County Recorder’s Office and return a copy of the recorded instrument to the Community Development Department

#### **Recommended Findings for Variance of Use (2212-VU-16):**

- 1) *The approval will not be injurious to the public health, safety, morals, and general welfare of the community:*

**Finding:** It is unlikely that allowing a business defined as ‘Professional Office’ to locate on the Property will be injurious to the public health, safety, morals, and general welfare of the community because the proposed conditions of approval would require the Property to remain residential in nature with hours of operation consistent with a normal workday.

- 2) *The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:*

**Finding:** It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner as the proposed use will be utilizing improvements currently existing on the



Property which is consistent with the character of the surrounding area and any improvements to the Property must remain residential in nature.

- 3) *The need for the variance of use arises from some condition peculiar to the property involved.*

**Finding:** The use of Professional Office is not permitted in the SF-3: Single-family Medium Density District.

- 4) *The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property.*

**Finding:** The existing SF-3 zoning conflicts with the Property's proposed use of a Professional Office. Without the requested variance, the Petitioner will be unable to use the Property as described in the Statement of Intent.

- 5) *The approval does not interfere substantially with the comprehensive plan:*

**Finding:** The Westfield-Washington Comprehensive Plan (the "Comprehensive Plan") includes this property within the area designated as "Downtown". Therefore, the proposed land use concurs with the Comprehensive Plan as the "Downtown" classification contemplates land uses such as office and commercial.

**Denial:** If the Board is inclined to reject or deny the Variance of Use, then the Department recommends denying the Variance of Use, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and Board discussion.